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Thomas L. Strickland, United States Attorney for the District of Colorado, today announced that his office has obtained a Warrant which will allow the EPA to take responsive action under the Comprehensive Environment Response, Compensation, and Liability Act ("CERCLA") to enter onto the abandoned Rico Argentine Mine located in the San Juan Mounains, near the near of Rico, in Dolores County, Colorado. The Rico Argentine Mine is a complex of inactive and abandoned tunnels, water treatment plant and settling ponds. Effluent from the mine flows into a series of settling ponds which are immediately adjacent to the Dolores River. The settling ponds contain years of sediment and sludge from the mine that are laden with heavy metals such as cadmium, lead and arsenic. Currently the embankments of the settling ponds are seriously eroding, and the embankments are in danger of collapsing. If the settling ponds' embankments collapse, tons of sediment and sludge containing hazardous substances from the mine will be released directly into the Dolores River.

The Warrant will allow the Environmental Protection Agency to send in an emergency response team to stabilize the settling ponds' embankments and prevent the release of the hazardous mine waste.

Mr. Strickland stated, "Colorado's rivers and environment are precious resources that must be protected. We are here to assist the EPA in responding to environmental emergencies."

EPA's response team will begin work immediately to reinforce and stabilize the settling ponds' embankments immediately.

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AFFIDAVIT
of
Tien Nguyen, On-Scene Coordinator
U.S. Environmental Protection Agency
Denver, Colorado

Based upon information and belief, I, Tien Nguyen, state the following under oath:

1. I make this affidavit in support of the attached Application of the United States for Warrant to Determine the Need for, and to Undertake, Response Action Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 Et Seq. I base this affidavit upon personal observations and upon my review of U.S. Environmental Protection Agency ("EPA") records, as discussed below.

2. I am currently employed as an On-Scene Coordinator with EPA, Region VIII, in Denver Colorado. My job duties include determining the need for response and choosing and supervising the taking of response actions under the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. §§ 9601 et seq. ("CERCLA"). I have been in this position for approximately _____ years.

3. I visited the Rico Argentine Mine, located in or near Rico, Colorado, on April 14, 2000. Specifically, I observed the St. Louis Tunnel and its associated treatment ponds. I was accompanied by the Rico Town Manager, the Mayor of Rico, members of the Rico Board of Trustees, representatives of the Rico Fire Department, and EPA contractors.

4. I have reviewed the following documents relating to the nature of the effluent from the St. Louis Tunnel that flows into the series of treatment ponds located immediately downgradient from the St. Louis Tunnel including: (1) a report prepared by J. E. Reynolds & Associates for Wayne Webster, dated March 21, 2000, that discusses the chemical nature of the effluent from the St. Louis Tunnel; and (2) results of analyses of water samples from the St. Louis discharge taken by EPA in June 1998.

5. The documents I reviewed indicate that hazardous substances, in the form of metals such as cadmium, copper, zinc and silver, are being released from the St. Louis Tunnel into the settling ponds and, in turn, into the Dolores River. These documents also indicate that the uppermost settling pond contains sludges composed of lime and the metals referred to above. While the treatment plant that used to be located at the St. Louis Tunnel was operated, lime was added to the tunnel effluent to precipitate the metals out of the water and down to the bottom of the settling ponds.

6. During my visit to the Rico Argentine Mine, I observed that the uppermost settling pond is full and that its riverside embankment has developed fissures, allowing

water from the pond to flow directly into the Dolores River. The fissures appear to be enlarging; this observation was confirmed by the Rico Town Manager.

7. The conduit from the uppermost pond to the downgradient pond is blocked, preventing the effluent from the uppermost pond from flowing freely into the downgradient pond.

8. The snowpack above the ponds is heavy. As the weather continues to warm, the melting of the snowpack will accelerate and the pressure on the ponds will increase. If action is not taken to allow the effluent from the uppermost pond to flow freely into the downgradient ponds, the riverside embankment of the uppermost pond may collapse, allowing tons of sediment in the uppermost pond to be released into the Dolores River. It may also be necessary to restore the integrity of the riverside embankment of the uppermost pond to prevent its collapse.

Under penalty of perjury, I hereby swear the foregoing is true to the best of my knowledge.

_____ _____

Signature Title

Subscribed and sworn to before me this ____ day of April, 2000.

_____ _____

Signature of Notary Public Commission Expires